

dollars (\$500.00), with proper security, to be approved by the court, conditioned that the vinegar aforesaid shall not be sold or otherwise disposed of contrary to the provisions of the said act or the laws of any State, Territory, district, or insular possession of the United States, and that said vinegar be properly labeled and branded in accordance with the said act, the said vinegar may be delivered to the said claimant.

Richmond, Va., January 14, 1909.

The facts in the case were as follows:

On or about January 6, 1909, an inspector of the United States Department of Agriculture found in the possession of E. A. Saunders' Sons' Co., Richmond, Va., 50 barrels and 25 half-barrels of vinegar, each barrel being labeled on the head end "Monarch Brand Syrup, Natural Color, Vinegar. E. A. Saunders' Sons' Co.," and on the other end "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 19610." The vinegar had been shipped by the Baltimore Manufacturing Company from Baltimore, Md., to the E. A. Saunders' Sons' Co. on December 28, 1908. The product was misbranded within the meaning of the act because labeled in a manner which represented its manufacture by the E. A. Saunders' Sons' Co., at Richmond, Va., whereas, as a matter of fact, the vinegar was manufactured by the Baltimore Manufacturing Company, in Baltimore, Md.

On January 5, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the eastern district of Virginia, and libel for seizure and condemnation of said vinegar, under section 10 of the act, was duly filed in the court aforesaid, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. MCCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 4, 1909.*

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(N. J. 63.)

### MISBRANDING OF CANNED CORN.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 14th day of January, 1909, in the district court of the United States for the district

of Colorado, in a proceeding of libel for seizure and condemnation of 400 cases of canned corn misbranded as to weight, in this, that each case was labeled and branded "2 Doz. 2 Lbs. Standard Quality Sugar Corn. Packed by Grand Island Canning Co., Grand Island, Nebraska," whereas the average gross weight of each can contained in the cases was  $1\frac{1}{2}$  pounds, wherein the United States was libelant and the Plummer Mercantile Company, a corporation of Denver, Colo., was claimant, the said claimant having admitted the allegations of the libel, and the cause having come on for further hearing, the court adjudged the corn misbranded and entered its decree in substance and in form as follows:

UNITED STATES OF AMERICA,  
*District of Colorado, ss:*

IN THE DISTRICT COURT OF THE UNITED STATES WITHIN AND FOR THE  
 DISTRICT OF COLORADO.

THE UNITED STATES OF AMERICA, <i>Libelant,</i>	} No. 2230. Order.
<i>vs.</i>	
FOUR HUNDRED CASES OF CANNED CORN.	

In this cause, it appearing to the court that (the said United States of America, by Thomas Ward, jr., United States attorney for the district of Colorado, and the Plummer Mercantile Company, a corporation, the claimants and owners of the property seized herein, by J. W. Plummer, its president, consenting thereto) under the process issued in this cause, 344 cases of canned corn were seized by the United States marshal at the city and county of Denver, State of Colorado, and that the same were subject to seizure and confiscation by the United States for the causes set forth in the libel herein, that is to say, for the reason that the said cases were misbranded, in this, that the said cases purported to contain two dozen cans of corn, each can containing two pounds of corn; whereas, in truth and in fact, the said cans in said cases did not contain to exceed twenty-two ounces of corn, and the said brands upon the said cases were, therefore, misleading and calculated to deceive purchasers;

And it further appearing, by like consent, that said The Plummer Mercantile Company has agreed that an order may be entered at once, condemning and confiscating said property to the United States;

It is, therefore, ordered, adjudged, and decreed that the said property above described, now in the possession of the marshal of the court, be, and the same is hereby, declared to be forfeited and confiscated to the United States;

It is further ordered, however, that upon payment by said The Plummer Mercantile Company of the costs of this proceeding and the execution and delivery of a good and sufficient bond, to be filed with the clerk in this cause, conditioned that this property shall not be sold or otherwise disposed of contrary to the provisions of the act (ch. 3915, 59th Congress) commonly known as the Pure Food and Drugs Act (act of June 30, 1906), or contrary to the laws of the State of Colorado, then the marshal of this court is hereby directed to deliver said property to said The Plummer Mercantile Company, or its agents.

By the court.

ROBT. E. LEWIS, *Judge.*

JAN. 14, 1909.

It is hereby stipulated and agreed that the foregoing order may be entered of record in the above cause.

THOMAS WARD, Jr.,  
*United States Attorney for the District of Colorado.*

[SEAL] THE PLUMMER MERCANTILE COMPANY,  
By J. W. PLUMMER, *President.*

The facts in the case were as follows:

On or about January 13, 1909, an inspector of the Department of Agriculture found in the possession of The Plummer Mercantile Company, of Denver, Colo., four hundred cases of canned corn which had been packed, and shipped to it by the Grand Island Canning Company, of Grand Island, Nebr. The shipping cases, each of which contained twenty-four cans, were labeled and branded "2 Doz. 2 Lbs. Standard Quality Sugar Corn. Packed by Grand Island Canning Co., Grand Island, Nebraska," and each can also bore the following: "Dutchess High Grade Sugar Corn. Grand Island Canning Co., Grand Island, Nebraska." A number of the cans were weighed by the inspector, and the average gross weight per can was found to be 1 pound 8 ounces.

On January 13, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the district of Colorado, and a libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
GEO. P. McCABE,  
F. L. DUNLAP,  
*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 4, 1909.*